



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Virginia Department of Transportation (Commonwealth Transportation Board)
VAC Chapter Number:	24 VAC 30-490-10 et seq.
Regulation Title:	Roads in the Grounds of State Institutions
Action Title:	Review and Retain
Date:	June 25, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes the minimum design standards that roads within the grounds of state institutions must meet to be included in the Primary System. The Office of the Attorney General has found that this regulation is exempt from the APA under Section 9-6.14:4.1 B 3.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Under the provisions of § 33.1-12(3), the Commonwealth Transportation Board (CTB) has general authority to make regulations concerning use of the system of state highways. However, the specific authority for this regulation is from §§ 33.1-33 of the Code of Virginia. Under §33.1-33, the Commonwealth Transportation Commissioner “may, when requested by the governing body of a state institution, assume the maintenance of any road situated within the grounds of such state institution which has heretofore been or is hereafter established and constructed by such institution to standards acceptable to the Commissioner.” Roads accepted for maintenance under the provisions of this section are considered part of the State Highway System, but the state institution still exercises police power over such roads.

Since the regulation does not specify what standards must be met, the Commissioner has wide discretion in determining what design specifications are appropriate.

This regulation does not exceed the minimum requirements of the state mandate.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

VDOT received no public comment during the Notice of Periodic Review period, so no response was prepared. No advisory group was formed to assist in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation’s impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

Goals: VDOT seeks public comment regarding the following question: Does the regulation meet the following goals?

1. To protect the public's health, safety, and welfare with the least possible intrusiveness to the citizens and businesses of the Commonwealth
2. Is the regulation written clearly and understandably?

Goal 1: This regulation lists the criteria the Commissioner uses to add road mileage within state institutions to the Primary System within the parameters established by law. Addition of such mileage helps fulfill VDOT’s traditional mission – to provide safe, convenient, and efficient transportation between communities, business centers, and other areas of interest. VDOT believes that the regulation facilitates its ability to fulfill its mission, which is clearly related to public safety and welfare.

Goal 2: The regulation lists the design standards that must be met before roads located within state institutions can be added to the Primary System. The sources of funds for new roads and additions to new roads are listed.

VDOT believes that the lack of public comment received concerning the regulation indicates broad satisfaction with the format of the regulation, the manner in which it is implemented, its clarity and ease of comprehension, and its effectiveness.

This regulation has no direct effect on the family or family stability.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

There is no viable substitute for a document that sets forth the criteria and funding policy to carry out the statutory authority discussed previously. Such a document ensures that the public has access to the design standards used, and that they help ensure that decisions on additions to the Primary System from mileage on the grounds of state institutions are made consistently and fairly.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

VDOT recommends that this regulation be retained without change.

Family Impact Statement

Please provide an analysis of the regulation’s impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the

education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no direct effect on the family or family stability, nor does it affect any of the factors listed above.